

IN THE

Court of Appeal of the State of California

IN AND FOR THE

Fifth Appellate District

COURTROOM PROCEEDINGS

The court met in its courtroom at 1:30 P.M. Present: Honorable Nickolas J. Dibiaso, Acting Presiding Justice; Honorable Timothy S. Buckley, Associate Justice; Honorable Rebecca A. Wiseman, Associate Justice; and Kay Frauenholtz, Clerk/Administrator, by Shandra Gallagher, Assistant Deputy Clerk.

F044917 In re Colby R., a Minor

Parties stipulate that (1) Dibiaso, J., the absent assigned justice, participate in the determination of this appeal, and (2) Dibiaso, J. to listen to the tape recording of oral proceedings upon his/her return.

Cause called and argued by Janene R. Weber, Esq., counsel for appellant and by Susan M. Gill, Esq., Deputy County Counsel, counsel for appellant.

Submission deferred until Monday, July 26, 2004 for Dibiaso, J. to listen to the tape recording of oral argument.

Court recessed until Thursday, July 22, 2004 at 11:00 A.M.

F042394 The Franciscan Friars of California, Inc. et al. v. The Ordinary Mutual

Pursuant to written stipulation of the parties hereto, IT IS HEREBY ORDERED that the appeal in the above-entitled action is dismissed.

F041331 Gunter et al., v. Perrett

F041489 Gunter et al., v. Perrett

The order for restitution is affirmed. Costs are awarded to respondents. Vartabedian, Acting P.J.

We concur: Cornell, J.; Dawson, J.

[NOT TO BE PUBLISHED IN OFFICIAL REPORTS]

F043081 People v. Ortiz

Oral argument having been waived in the above-entitled case in accordance with the provisions of a notice mailed to counsel, the calendar date heretofore set is vacated and the case is submitted for decision.

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F043081 People v. Ortiz

The judgment is reversed and remanded to inquire into Ortiz's allegations concerning his counsel's performance.

By the Court.

[NOT TO BE PUBLISHED IN OFFICIAL REPORTS]

F043856 People v. Koonce

Counsel having failed to request oral argument in the above-entitled case, oral argument is deemed waived in accordance with the provisions of a notice heretofore mailed to counsel and the cause is submitted.

F044209 People v. Chaly

Counsel having failed to request oral argument in the above-entitled case, oral argument is deemed waived in accordance with the provisions of a notice heretofore mailed to counsel and the cause is submitted.

F044209 People v. Chaly

The judgment is affirmed.

By the Court.

[NOT TO BE PUBLISHED IN OFFICIAL REPORTS]

F044004 People v. Wilson

The above-entitled case is submitted for decision.

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F044004 People v. Wilson

The matter is remanded to the trial court so it can sentence Wilson on his driving under the influence conviction and impose the mandatory penalty assessments discussed above. In all other respects, the judgment is affirmed.

By the Court.

[NOT TO BE PUBLISHED IN OFFICIAL REPORTS]

F043542 In re Ahkeem W., a Minor

Counsel having failed to request oral argument in the above-entitled case, oral argument is deemed waived in accordance with the provisions of a notice heretofore mailed to counsel and the cause is submitted.

F043542 In re Ahkeem W., a Minor

The matter is remanded to the juvenile court to amend the dispositional order consistent with the Penal Code. The conditions of probation imposed by the juvenile court are affirmed.

By the Court.

[NOT TO BE PUBLISHED IN OFFICIAL REPORTS]

F042935 Clark et al v. James

The judgment is affirmed. The Clarks are awarded costs on appeal. Vartabedian, Acting P.J.

We concur: Cornell, J.; Dawson, J.

[NOT TO BE PUBLISHED IN OFFICIAL REPORTS]